

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON MENDENHALL,

Plaintiff,

v.

OUT OF SITE INFRASTRUCTURE, INC., et
al.,

Defendant.

CIVIL ACTION
NO. 14-4996

ORDER

AND NOW, this 4th day of August 2017, upon consideration of Defendant Out of Site Infrastructure, Inc.'s Motion for Judgment on the Pleadings (Doc. No. 66), Defendant Out of Site Infrastructure Inc., Retirement Plan's ("the Plan") Motion for Judgment on the Pleadings (Doc. No. 68),¹ Plaintiff's Response in Opposition to Defendant Out of Site Infrastructure, Inc.'s ("Out of Site") Motion for Judgment on the Pleadings (Doc. No. 69), Defendants' Response in Support of the Motions for Judgment on the Pleadings (Doc. No. 70), and in accordance with the Opinion issued this day, it is **ORDERED** as follows:

1. Defendant Out of Site Infrastructure, Inc.'s Motion for Judgment on the Pleadings (Doc. No. 66) is **GRANTED** on Counts II and III in regard to Plaintiff's claim that he is a proper representative in this case to represent the Plan and its members, current and former, and that the case may proceed as a class action;

¹ In its Motion for Judgment on the Pleadings, Defendant Out of Site Infrastructure Inc., Retirement Plan (Doc. No. 68) requests to join in Defendant Out of Site Infrastructure, Inc.'s Motion for Judgment on the Pleadings (Doc. No. 66). The Court will Grant this request. The Motions will be jointly considered.

2. Defendant Out of Site Infrastructure Inc. Retirement Plan's Motion for Judgment on the Pleadings (Doc. No. 68) is **GRANTED** on Counts II and III in regard to Plaintiff's claim that he is a proper representative in this case to represent the Plan and its members, current and former, and that the case may proceed as a class action;²

3. All claims Plaintiff purports to make as "representative" of the Plan or its participants are **DISMISSED**;

4. The only remaining claims against Defendants Out of Site Infrastructure, Inc. and Out of Site Infrastructure Inc., Retirement Plan in Counts II and III involve Plaintiff's individual retirement account.

BY THE COURT:


JOEL H. SLOMSKY, J.

² Because Defendant Out of Site Infrastructure Inc., Retirement Plan's Motion for Judgment on the Pleadings (Doc. No. 68) is considered a joint motion with Defendant Out of Site Infrastructure, Inc.'s Motion for Judgment on the Pleadings (Doc. No. 66), the Motions will be granted for the same reasons as discussed in the Opinion of the Court accompanying this Order.